

CONTENTS :

Legal Service Agency Board decision on PDS
Simplifications to family legal aid

Online manual updated
Audit results
Online access to legal info sheets
Tips for lawyers on... applying for listing

Service Contracts Staff
Legal services review consultation
Changes to investigating and managing conduct
Navigating www.lsa.govt.nz

Legal Service Agency Board decision on PDS

The Legal Services Agency Board has formally agreed to employ permanent salaried staff for the Public Defence Service (PDS) in Manukau and Auckland courts. This follows the authorisation to do so by the Minister of Justice, Hon Annette King on 17 July 2008.

Criminal legal services have been piloted in the Auckland and Manukau courts since May 2004. This will continue, as will the maximum levels of assignments, either in total (up to 33%) or rotation cases (up to 50%).

The Board's decision followed discussion by the Agency with Auckland District Law Society representatives and members of the New Zealand Law Society Legal Services Committee. The Agency also received comments from judges, court managers, prosecutors, Community Law Centres and the Agency's Public Advisory Committee. The responses were either positive or neutral.

Michael Corry, the current Public Defender, is stepping down in November and we have advertised the role of Public Defender. Michael has done a superb job in this pilot and the Agency acknowledges the enormous contribution he has made to the PDS.

Legal Aid Funding Review

As part of the 2008 Budget the Government commissioned a review of services provided using legal aid funding. This review is being undertaken jointly by the Ministry of Justice and Legal Services Agency. The review is looking at "opportunities for cost savings, reprioritisation and innovative delivery of services" and will be reporting back to Government before 31 December 2008. The Terms of Reference are on the Agency's website.

Included in this issue is an update on consultation with the legal profession as part of this review.



TJ Bannatyne
Chief Executive
Legal Services Agency.

Simplifications to family legal aid

Legal aid administration for family matters and disbursements (for all types of legal aid) is to become more streamlined from the beginning of November 2008.

The changes arise out of work the Agency has been doing in the last two years on:

- Reviewing steps for family law proceedings.
- Testing streamlined administration of family legal aid (previously called the Global Grant tests).
- Reviewing standard disbursements for all law types.

The aim of these changes is to:

- Ensure that the hours the Agency pays for proceedings reflect current legal and court practice.
- Reduce administration time and costs for legal aid providers.
- Reduce administration time and costs for the Agency.

Consultation on the changes has been undertaken through:

- The family section of the NZLS.
- An advisory group of family lawyers.
- A group of lawyers who provided advice on and participated in the Global Granting tests.

The assistance of the above groups has been much appreciated and they have provided valuable insights into the work that family lawyers do.

Changes for family legal aid grants

The following is a summary of the changes for family legal aid:

- The steps and guideline hours have been revised for Domestic Violence, Care and Contact, Children and Young Persons, Relationship Property and Guardianship proceedings.
- The proceedings steps have been rewritten to give clearer guidance on the activities that will be reimbursed, the hours that will be paid, the tasks covered by the guideline hours and the documentation that the Agency requires.
- Once a grant has been approved for a particular proceeding there is no longer any need to seek prior approval (amendments) for work that is within the guideline hours of the proceeding steps. This will apply to all grants made from 1 March 2007.
- There will be a reduction in the amount of documentation to be provided for grants that are within the guideline hours of the proceeding steps.

Changes for payment of disbursements for all grants of legal aid

The following is a summary of the changes to disbursements:

- The Agency will not require prior approval for general office disbursements up to \$100 for each proceeding (previously \$50).
- The Agency has extended general office disbursements to include postage and courier fees.
- Travel costs will continue to be reimbursed for travel that is not 'local' ('local' is the city or town where the lawyer resides and the court is located). Distances less than 25 kilometres and/or travel time less than 30 minutes will normally be considered 'local' and ineligible for reimbursement.
- Prior approval is no longer required for travel that is unavoidable, such as to places of 'detention', or when there is a change in court location.

Assurance checking of files

As there has been considerable relaxation in the requirement for prior approval for expenditure the Agency will introduce an assurance checking process alongside these changes. This process will mean that from time to time the Agency will check files to ensure that:

- The work invoiced by the lawyer within the steps was actually and reasonably completed.
- The lawyer advised the Agency of any changes to the merits of the cases, the financial eligibility of the legally aided person or other conditions of the grant.

Lawyers who have not complied with the requirements of the Agency will be investigated in accordance with the existing complaints and investigation policy.

Please note that:

For more complex grants, which are expected to exceed the guideline hours in the revised steps, amendments to the grant will need to be submitted, in accordance with current processes.

The Agency will be writing to all legal aid lawyers and other providers in October with detailed information on the new policies and procedures, including the implementation date.

Training will be made available to legal aid lawyers by the Agency's regional offices (your local Regional Manager will provide you with information about training in your area).

Online manual updated

The online manual has been updated to cover policy and process changes at the Agency. Please see www.lsa.govt.nz/lpmanual.php for the up-to-date Legal Aid Provider Manual.

Audit results

The Agency reviews a random sample of legal aid files annually and has completed its review of 109 files for work undertaken in the 2006/7 financial year.

Overall, the files showed high levels of compliance, especially with the:

- Quality of information provided to the Agency.
- Adherence to section 66 of the Legal Services Act 2000 (Act) regarding the receipt of private fees.
- Recovery of fees from the legally aided person under s28(4) of the Act.
- Protection of the Agency's interests under s68 of the Act.

Some recurring issues of concern were:

- Time records not kept to the standard required under clause 4.20 of the Contract for Services – both hearing and preparation time need to be accurately recorded and kept on the legal aid file.
- A lack of Agency approval for delegation of non-minor matters by the lead provider.
- No evidence on file that the Court and other parties were notified of the grant of aid (as required under section 21 of the Act).

Reviewing quality standards is an important part of the Agency's work and the Agency thanks all legal aid lawyers who were audited for their assistance and cooperation. A similar sample of files is currently being audited for the 2007/8 year.

TRACK DOWN
LEGAL INFO
FAST



Online access to legal info sheets

The Agency's LawAccess database has a new range of info sheets that are able to be printed and link to other info sheets on the same topic and to other websites.

The Agency's 2006 National Survey of Unmet Legal Need identified that 60% of people with a legal problem wanted information to help them solve the problem. Enhancing the quality of information available on LawAccess is a means of meeting this need.

Info sheets give a plain English overview of a legal topic and cover commonly experienced problems. In addition to these, LawAccess users can easily access resources from the 150 contributing organisations, and find freephone numbers or contact details for Community Law Centres, Citizens Advice Bureaux or lawyers.

Take a look at www.lawaccess.lsa.govt.nz

Tips for lawyers on... applying for listing

The Agency receives hundreds of applications every year from lawyers to become listed legal aid providers or add to their listing approvals. The following top tips are to help with the application process.

Quick tips for all applications:

- Read the *Criteria for Approval as a Listed Provider* for the qualifications and experience levels required for approval. This is online at www.lsa.govt.nz.
- Use the checklist at the back of the application form to ensure that all the required information has been completed.
- Double check that all contact and firm/practice details have been answered fully and the statutory declaration has been executed properly.
- Post in the original application – faxed copies will not be accepted.

Quick tips for lead provider applications:

- The Agency does not need copies of Judgments – a summary of the tasks undertaken in each matter is sufficient (use forms 2.1 and 2.2 for this).

- Examples provided can be either private or legal aid matters.
- Applicants for Lead Provider in Civil and Family matters should demonstrate their experience in the area of law for which they are applying, including details of interlocutory, in a covering letter.
- Applications close on the 15th of each month, except in Waikato/Bay of Plenty and Canterbury. Closing dates in these regions vary so please email provider@lsa.govt.nz for details.
- Referees need to be independent and must be able to comment on the applicant's abilities in the particular area of law applied for. The Agency will accept only one reference from a current employer or colleague working in the same law firm, and references from family members will not be accepted.

If you have any questions about applying to be a listed legal aid lawyer, or on making any changes to your listing, please contact the Agency's Service Contracts staff on 04 495 5910 or email provider@lsa.govt.nz.

Service Contracts Staff

Tony Hill is the Senior Adviser Service Contracts at the Agency. Tony has a busy role, which includes managing the provider management team of Service Contracts. This includes managing the listing process, following up on provider audits, and investigating and managing more serious or unresolved complaints and suspension considerations. Tony also oversees provider administration.

"One big piece of work we have on at the moment is looking at options for getting consistent legal aid provider coverage nationally," says Tony. "We're talking to lawyers and engaging in consultation on this."

Tony is a lawyer who spent 25 years in private practice in Blenheim. He came to Wellington 10 years ago and worked in executive recruitment in both the private and public sectors prior to joining the Agency in March 2008.

"It is certainly useful to have a legal background in this role," according to Tony. "I have an understanding of the legal marketplace and what the drivers are in private practice. These have an impact on the relationship between the Agency and the law profession."

Tony enjoys the variety of work in his role and, after a break from the law, has enjoyed returning to the wider legal arena.

"Legal aid is a complex area and there are a lot of dedicated and hard-working lawyers committed to assisting us to help people access justice."



Tony Hill,
Senior Adviser Service Contracts,
Legal Services Agency.

Legal services review consultation

As part of the Review of Services Provided Using Legal Aid Funding consultation, a working group of representatives from the Ministry of Justice, the Agency and the legal profession will be set up to identify options and issues for the review.

Representatives from the New Zealand Law Society (NZLS), the Ministry and the Agency were at an initial meeting in September so the NZLS could raise the possible options for further development and discussion.

Good progress was made and consultation will continue.

Changes to investigating and managing conduct

The Agency has streamlined the Investigating and Managing Provider Conduct Process to allow greater flexibility and simplify the process.

The two key changes are:

1. On the rare occasions that an issue of serious misconduct arises, the Agency can now bypass the notice system and directly refer a matter to the Suspension Consideration and Review Process.
2. Where less serious behaviours are repeated on a number of occasions, the matter can be referred to Service Contracts for management rather than be dealt with at the local level.

An updated copy of the Process is in the online Provider Manual at www.lsa.govt.nz/lpmanual.php.

Navigating www.lsa.govt.nz

The Agency has a lot of information and resources available online. The 'For Listed Providers' tab on the top right hand corner of the home page links to the section of the site that has information, policies, proceedings steps, and forms and resources for legal aid lawyers.

Agency forms are available as Word templates that can be downloaded or as pdfs to print. Pre-printed forms can be ordered online through a secure ordering area.

All the legal aid forms and other legal aid resources are at www.lsa.govt.nz/lpformsapprov.php. The tab Application Forms links to the forms for legal aid providers and applicants, and this include supplementary forms such as the Trust form and the Statement of Financial Position.

The Provider Forms tab link to the forms that are specifically for legal aid lawyers and other providers. This section also has listing application and reference forms and the criteria for approval as a listed legal aid provider.

The forms that are available as downloadable Word templates can all be accessed through the Word Templates Forms tab. These templates are useful tools for listed providers to enter some recurring information and perform financial calculations, and to keep client records on file.

If you have any problems downloading or installing these file, please check the FAQs on www.lsa.govt.nz/lpwordtemplatesfaq.php first. If problems continue please call the Agency on (04) 495 5910 or email info@lsa.govt.nz.



New Zealand Government

Helping people access justice